

In the Claims

Please amend Claims 1 and 6 as follows: 1

- A1*
1. (Amended) A sensor for detecting radiant energy, comprising:
- a support chip having an outer rim and a thermopile supported by the outer rim;
- and
- a mating chip having a rim region and a window region, the rim region of the mating chip being mated to the rim of the support chip to form a hermetic seal.
-
- A2*
6. (Amended) The sensor of claim 4, wherein each thermocouple includes a cold junction positioned on the outer rim of the support chip.
-

Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (page i).

REMARKS

Claims 1-30 are pending in the application. Claims 1-6, 8-30 have been rejected under 35 USC 102(b) as being anticipated by EP1039280 (Endo et al., hereinafter "Endo"). Claims 1-15, 18-25, 27-30 have been rejected under 35 USC 102(b) as being anticipated by US4722612 (Junkert et al., hereinafter "Junkert"). The rejections are respectfully traversed.

Suggested Claim Language

The Examiner suggested amending Claims 1 and 6 to change "the rim" to "the outer rim." Claims 1 and 6 have been amended accordingly for clarity.

Rejection Under 35 USC 102(b) based on Endo

Endo discloses a stem (SA), a thermopile element (TA) and a cap (SB). The Examiner indicates a view that the Endo stem (SA) reads on the "support chip" recited in Claim 1, and that the Endo thermopile element (TA) is supported on the outer rim of the stem (SA).

P

The Endo reference is a publication of a European patent application. The publication is dated September 27, 2000. Applicants' application claims priority to a U.S. Provisional patent application filed on January 5, 2001. Since the publication date of Endo is less than one year before the claimed priority date, Endo cannot qualify as prior art under 35 USC 102(b).

In any case, even if one assumes that Endo qualifies as prior art under 35 USC 102, it does not anticipate the claimed invention. To anticipate a claim under 35 USC 102, a reference must disclose every element of the claim. FIG. 15 shows thermopile element (TA) located at the center of stem (SA). The specification also indicates that the thermopile is fixed at the stem center (see paragraph [0103]). Thus, the Endo stem does not teach the recited "support chip having an outer rim and a thermopile supported by the outer rim" as recited in amended Claim 1. Therefore, Endo cannot be said to anticipate the claimed sensor of Claim 1. This argument applies also to the method of base Claim 19. Thus, reconsideration of the rejection of Claims 1-6, 8-30 is respectfully requested.


Rejection Under 35 USC 102(b) based on Junkert

Junkert discloses a housing 100, cap member 108, bottom wall member 110, and thermopiles supported by posts 140, 142. The Examiner is of the view that the bottom wall member reads on the "support chip" recited in Claim 1.

As stated above, a reference must disclose every element of a claim to anticipate under 35 USC 102. The bottom wall member of Junkert does not teach the recited "support chip having an outer rim" of amended Claim 1 and the Junkert thermopile is not "supported by the rim"; rather, the Junkert thermopile is supported by electrical posts 140, 142 (col. 7, lines 3-11). Therefore, Junkert cannot be said to anticipate the claimed sensor of Claim 1. This argument applies also to the method of base Claim 19. Thus, reconsideration of the rejection of Claims 1-15, 18-25, 27-30 is respectfully requested.

Information Disclosure Statement

An Information Disclosure Statement (IDS) was filed on June 7, 2002. A copy of the IDS as filed is enclosed, together with a copy of a postcard receipt. Entry and acknowledgment of the IDS is respectfully requested.



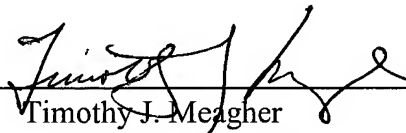
CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By



Timothy J. Meagher

Registration No. 39,302

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 7/28/03





MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

1. (Amended) A sensor for detecting radiant energy, comprising:
a support chip having an outer rim and a thermopile supported by the outer rim; and
a mating chip having a rim region and a window region, the rim region of the mating chip being mated to the rim of the support chip to form a hermetic seal.

6. (Amended) The sensor of claim 4, wherein each thermocouple includes a cold junction positioned on the outer rim of the support chip.

19